

UNITED STATES DISTRICT COURT

for

Middle District of Pennsylvania/Harrisburg

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Michael Cooper Case Number: 1:CR-01-254-01
Name of Sentencing Judicial Officer: The Honorable Yvette Kane
Date of Original Sentence: December 23, 2002
Original Offense: Mail Fraud, 18 U.S.C. § 1341 and Bank Fraud, 18 U.S.C. § 1344
Original Sentence: 20 months imprisonment, 3 years supervised release, and \$187,115.00
restitution.
Type of Supervision: Supervised Release Date Supervision Commenced: April 13, 2004

PETITIONING THE COURT

- ☐ To extend the term of supervision for _____ years, for a total term of _____ years.
☒ To modify the conditions of supervision as follows:

The defendant shall remain at his residence for a period of 3 months unless given permission in advance by the probation officer to be elsewhere. The defendant shall maintain a telephone without special features at his place of residence for the 3 months. The probation officer shall make provisions for the defendant's absence from his residence for employment, medical/mental health services, religious services and necessary shopping. Said home detention shall commence as directed by the probation officer and shall be electronically monitored. The defendant shall pay the cost of electronic monitoring at a rate not to exceed the daily contractual rate.

CAUSE

On January 13, 2006, Mr. Cooper requested permission to travel to Florida for vacation from January 15, 2006 to January 24, 2006. The probation officer approved his request

On January 17, 2006, the probation officer received reports from the U.S. Customs Service Enforcement Systems showing that the agency had conducted a computerized inquiry of Mr. Cooper.

Recently, the probation officer questioned Mr. Cooper about his travel. The offender admitted that he traveled to Mexico during the time that he had requested to travel to Florida. He explained that he was given a surprise trip to Mexico by his wife and by the time he learned of the destination, it was too late to contact the probation officer. Your Honor may recall that travel outside of the continental United States requires the Court's permission. Further, the probation officer would not have favored such a request considering the amount of restitution Mr. Cooper owes.

Also, Mr. Cooper never contacted the probation officer to discuss the out-of-country travel upon his return from Mexico.

Despite Mr. Cooper's violation conduct, he has had some positive features of supervision, including regular monthly restitution payments and full time employment. However, at this time, his technical violations require some type of sanction. To this end, Mr. Cooper has agreed to a period of home confinement. Such a sanction will enable him to maintain his employment and the financial support of his family.

Assistant U.S. Attorney James T. Clancy has no objection to the modification.

Attached is a Waiver of Hearing to Modify Conditions which was signed by Mr. Cooper.

Respectfully submitted,


by 

Fonda L. Steele
U.S. Probation Officer

Date: February 27, 2006

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer



Date

PROB 49
(3/89)

United States District Court

MIDDLE District PENNSYLVANIA

**Waiver of Hearing to Modify Conditions Probation/
Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

"The defendant shall remain at his residence for a period of 3 months unless given permission in advance by the probation officer to be elsewhere. The defendant shall maintain a telephone without special features at his place of residence for the 3 months period. The probation officer shall make provisions for the defendant's absence from his residence for employment, medical/mental health services, religious services and necessary shopping. Said home detention shall commence as directed by the probation officer and shall be electronically monitored. The costs of electronic monitoring are to be incurred by the defendant, not to exceed the daily contractual rate."

Witness: FL Steele
Fonda L. Steele
U.S. Probation Officer

Date: 2/24/06

Signed: Michael Cooper
Michael Cooper
Supervised Releasee

Date: 2/24/06